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Miss Mae Sherman
Clerk of Supreme Court
State Capitol
Saint Paul, Minnesota

RE: Proposed Appellate
Rule 131.01

35397

Dear Miss Sherman:

Enclosed are original and three copies of petition to consider an amendment to proposed Rule of Civil Appellate Procedure, Rule 131.01. I do not wish time to be heard concerning the proposed amendment on June 1st.

Personal regards.

Yours very truly,



O. C. ADAMSON

OCA:gdf

c. c. Professor James L. Hetland, Jr.
Fraser Hall
Law School
University of Minnesota
Minneapolis, Minnesota

STATE OF MINNESOTA

IN SUPREME COURT

In the Matter of Rules of
Pleading, Practice and
Procedure in Civil Actions
and

PETITION

In the Matter of Rules of
Civil Appellate Procedure

To the Honorable the Supreme Court of the State of Minnesota:

The undersigned petitions the Supreme Court to consider an amend-
ment to proposed Rule of Civil Appellate Procedure, Rule 131.01:

“131.01 Time for Filing and Service

“The appellant shall serve and file his brief and appendix within 60 days after delivery of the transcript by the reporter. If the transcript is obtained prior to appeal, or if the record on appeal does not include a transcript, then the appellant shall serve and file his brief and appendix within 60 days after filing the notice of appeal. The respondent shall serve and file his brief and appendix, if any, within 30 days after service of the brief of appellant. The appellant may serve and file a reply brief within 15 days after serve of respondent’s brief. If a party prepares a supplemental record, the supplemental record shall be served and filed with his first brief.”

Service of
upon the adverse
party.

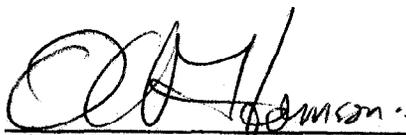
cf.
Rule VIII
But - multiple
party
cases.

Discussion

The proposed rule, as written, will work well in the majority of appeals. The purpose of the amendment is to take care of those cases where there is no transcript (e. g., appeals from interlocutory orders such as a certified order denying summary judgment) or where the transcript was obtained prior to appeal. In both of these situations, some date other than the date of delivery of the transcript must be used to begin the time period in respect to the appellant’s

brief and appendix. The proposed amendment looks to the date of the filing of the notice of appeal in those situations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "O. C. Adamson, II". The signature is written in a cursive style with a large initial "O" and "A".

O. C. Adamson, II
400 Second Avenue South
Minneapolis, Minnesota